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9 **UNITED STATES DISTRICT COURT**
10 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

11 ADRIAN KOLLAR,

12 Plaintiff,

13 v.

14
15 PACIFIC REALTY INVESTMENT
16 COMPANY LLC, A California Limited
17 Liability Company; GARFIELD BEACH
18 CVS, L.L.C., A California Limited
19 Liability Company, and DOES 1 through
20 100, inclusive,

21 Defendants.

CV 08-05343 SVW

Case No.:

NOTICE OF REMOVAL

[28 U.S.C. §§ 1331, 1441]

Complaint filed: July 1, 2008

22 TO THE UNITED STATES DISTRICT COURT FOR THE CENTRAL
23 DISTRICT OF CALIFORNIA:

24 PLEASE TAKE NOTICE that Garfield Beach CVS, L.L.C. ("Garfield
25 Beach CVS"), by its attorneys, Saul Ewing, LLP, respectfully removes this case
26 from the Superior Court of the State of California in and for the County of Los
27
28

2008 AUG 14 PM 1:11

FILED

(UCx)

1 Angeles to the United States District Court for the Central District of California
2 pursuant to 28 U.S.C. §§1441, and as grounds therefore states as follows:

3 1. On or about July 1, 2008, Plaintiff Adrian Kollar filed a Complaint
4 against Pacific Realty Investment Co., Garfield Beach CVS, and Does 1 through
5 100 (the "Defendants") in the Superior Court of the State of California in and for
6 the County of Los Angeles, and the case was assigned the Case No. YC057652 in
7 the records and files of that court ("State Court Action").
8

9
10 2. The Complaint alleges violations of the Americans with Disabilities
11 Act, 42 U.S.C. §12182, *et seq.*, violations of the Unruh Civil Rights Act, Cal. Civ.
12 § 51-53, violation of the California Disabled Persons Act, Cal. Civ. § 54-54.8, and
13 negligence in the operations of the CVS Pharmacy Store located at 4320 Redondo
14 Beach Blvd., Torrance, CA 90504 ("CVS Store No. 9475"). The alleged violations
15 include, but are not limited to, the operation of CVS Store 9475.
16
17

18 3. Plaintiff served the Summons and Complaint by delivering a copy to
19 CT Corporation System, 818 West Seventh Street, Los Angeles, CA 90017 on July
20 14, 2008.
21

22 4. The Complaint alleges that Defendants are owners, operators, lessors,
23 or lessees of the property on which CVS Store No. 9475 is operated as a place of
24 public accommodation.
25
26
27
28

1 5. Pursuant to 28 U.S.C. § 1446(b), Garfield Beach CVS files this Notice
2 of Removal within thirty days of the date it was served with the Summons and
3 Complaint.
4

5 6. Pursuant to 28 U.S.C. § 1446(b), attached hereto as Exhibit A are
6 copies of all documents served upon Garfield Beach CVS in the State Court
7 Action. Upon information and belief, neither Defendant Pacific Realty Investment
8 Company, LLC nor Does 1 through 100 have been served or appeared in this
9 action. Pursuant to *Salveson v. Western States Bankcard Ass'n*, 731 F.2d 1423,
10 1429 (9th Cir. 1984) (holding that any defendant who was not served with state
11 court process need not join in the notice of removal), consent from the other named
12 defendants is not required to remove this case. To Garfield Beach CVS'
13 knowledge, no further proceedings have been conducted in the State Court Action.
14
15

16 7. The State Court Action is a suit of a wholly civil nature of which the
17 United States District Court for the Central District of California has original
18 jurisdiction under 28 U.S.C. §§ 1331, 1337 and 42 U.S.C. § 12188. This action
19 may, therefore, be removed to this Court pursuant to 28 U.S.C. § 1441.
20
21

22 8. In his four-count Complaint, Plaintiff Kollar alleges that he has a
23 physical impairment and that Defendants, own, lease, lease to, or operate a place of
24 public accommodation, and have violated the Americans with Disabilities Act
25 Accessibility Guidelines ("ADAAG") and Title 24 of the California Code of
26
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1 Regulations. In his First Cause of Action, Plaintiff alleges that, through this
2 conduct, Defendants violated the Americans with Disabilities Act of 1990
3 (“ADA”), 42 U.S.C. § 12102, *et seq.*, by failing to: (i) ensure that all construction,
4 alterations, or modifications are barrier free and comply with the ADAAG and
5 Title 24 of the California Code of Regulations; and (ii) remove all existing barriers
6 where such removal is readily achievable. In his Second Cause of Action, Plaintiff
7 alleges that the same conduct violated the California Civil Code Sections 51-53.
8 In his Third Cause of Action, Plaintiff alleges that the same conduct violated the
9 California Civil Code Sections 54-54.8. In his Fourth Cause of Action, Plaintiff
10 alleges that Defendants have a general duty, and a duty arising out of the ADA,
11 Unruh Civil Rights Act, and California Disabled Persons Act, to provide safe,
12 convenient, and accessible facilities to Plaintiff in the running of CVS Store 9475.

13
14 9. Because Plaintiff’s claims arise from alleged violations of federal law
15 under the ADA, 42 U.S.C. § 12102, *et seq.*, this action is one in which this Court
16 has original jurisdiction under the provisions of 28 U.S.C. § 1331 and 42 U.S.C. §
17 12188. This action may, therefore, be removed to this Court pursuant to 28 U.S.C.
18 § 1441(a) and (b).

19
20 10. The ADA is an Act of Congress regulating commerce; this Court
21 therefore has original subject matter jurisdiction pursuant to 28 U.S.C. § 1337, and
22 this action is removable to this Court pursuant to 28 U.S.C. § 1441(a) and (b).

1 11. Pursuant to 28 U.S.C. 1367(a), the Court has supplemental
2 jurisdiction over Plaintiff's remaining state law claims, as they are so related to the
3 federal ADA claim that they form part of the same case or controversy under
4 Article III of the United States Constitution.
5

6 12. Garfield Beach CVS is providing written notice of the filing of this
7 Notice of Removal to Plaintiff and is filing a copy of this Notice of Removal with
8 the Clerk of the Superior Court of the State of California in and for the County of
9 Los Angeles, pursuant to 28 U.S.C. § 1446(d).
10

11 **WHEREFORE**, Garfield Beach CVS respectfully requests that this
12 action be removed from the Superior Court of the State of California in and for the
13 County of Los Angeles to the United States District Court for the Central District
14 of California.
15

16
17 Dated: August 13, 2008
18

19 Respectfully submitted,
20

21 
22

23 Henry A. Platt
24

25 Attorney for Garfield Beach CVS, L.L.C.
26
27
28

Exhibit A

SUMMONS
(CITACION JUDICIAL)

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):

PACIFIC REALTY INVESTMENT COMPANY LLC, A California Limited Liability Company;
GARFIELD BEACH CVS, L.L.C., A California Limited Liability Company, and DOES 1
through 100, inclusive,

YOU ARE BEING SUED BY PLAINTIFF:

(LO ESTA DEMANDANDO EL DEMANDANTE):
ADRIAN KOLLAR

7.14.08
215-ph
SUM-100

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

CONFORMED COPY
OF ORIGINAL FILED
Los Angeles Superior Court

JUL 01 2008

John A. Clarke, Executive Officer/Clerk

By T. Rhodes, Deputy

You have 30 CALENDER DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

Tine 30 DIAS DE CALENDARIO despues de que le entreguan esta citacion y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefonica no lo protegen. Su respuesta por escrito tine que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y mas informacion en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol/), en la biblioteca de leyes de su condado o en la corte que le quede mas cerca. Si no puede pagar la cuota de presentacion, pida al secretario de la corte que le de un formulario de exencion de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podra quitar su sueldo, dinero y bienes sin mas advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remision a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.courtinfo.ca.gov/selfhelp/espanol/) or poniendose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:
(El nombre y direccion de la corte es):
Los Angeles Superior
825 Maple Avenue
Torrance, CA 90804

CASE NUMBER: YC057652
(Numero del Caso):

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la direccion y el numero del telefono del abogado del demandante, o del demandante que no tiene abogado, es):

Mark D. Potter/ Russell C. Handy
Center for Disability Access, L.L.P

100 E San Marcos Blvd #400
San Marcos, CA 92069

PHONE: (760) 480-4162

DATE:
(Fecha)

JUL 01 2008

Clerk, by _____
(Secretario)

T. RHODES

Deputy
(Adjunto)

(For Proof of service of this summons, use Proof of Service of Summons (form POS-010).
(Para prueba de entrega de esta citacion use el formulario Proof of Service of Summons, (POS-010).)

NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):
3. ☒ on behalf of (specify): *Garfield Beach CVS, L.L.C., A California Limited Liability Company*
- under: ☒ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
- ☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
- ☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
- ☐ Other (specify):
4. ☐ by personal delivery on (date):

(Seal)

COPY

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Mark D. Potter / Russell C. Handy 166317 / 195058 Center for Disability Access, LLP 100 East San Marcos Blvd., Suite 400 San Marcos, CA 92069 TELEPHONE NO.: (760) 480-4162 FAX NO.: (760) 480-4170 ATTORNEY FOR (Name): ADRIAN KOLLAR		CM-010 CONFORMED COPY OF ORIGINAL FILED Los Angeles Superior Court JUL 0 1 2008 John A. Clarke, Executive Officer/Clerk By T. Rhodes, Deputy
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 825 Maple Avenue MAILING ADDRESS: 825 Maple Avenue CITY AND ZIP CODE: Torrance, CA 90503 BRANCH NAME:		
CASE NAME: KOLLAR v. PACIFIC REALTY INVESTMENT, et al.		
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less) Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)		
		CASE NUMBER: YC057652 JUDGE: DEPT:

Items 1-5 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other P/DP/D (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other P/DP/D (23) Non-P/DP/D (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input checked="" type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (18) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-P/DP/D tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (28) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
---	--	---

2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Type of remedies sought (check all that apply):
 a. ☒ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☒ punitive
4. Number of causes of action (specify): 4 ADA; Unruh; CA Dis; Negl
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: 06/24/08

Mark D. Potter

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

- NOTICE**
- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
 - File this cover sheet in addition to any cover sheet required by local court rule.
 - If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
 - Unless this is a complex case, this cover sheet will be used for statistical purposes only.

SHORT TITLE: KOLLAR v. PACIFIC REALTY INVESTMENT, et al.	CASE NUMBER: YC057652
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**CIVIL CASE COVER SHEET ADDENDUM AND STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to LASC Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

Item I. Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL? ☒ YES CLASS ACTION? ☐ YES LIMITED CASE? ☐ YES TIME ESTIMATED FOR TRIAL _____ HOURS/DAYS.

Item II. Select the correct district and courthouse location (4 steps – If you checked "Limited Case", skip to Item III, Pg. 4):

Step 1: After first completing the Civil Case Cover Sheet Form, find the main civil case cover sheet heading for your case in the left margin below, and, to the right in Column A, the Civil Case Cover Sheet case type you selected.

Step 2: Check one Superior Court type of action in Column B below which best describes the nature of this case.

Step 3: In Column C, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Los Angeles Superior Court Local Rule 2.0.

Applicable Reasons for Choosing Courthouse Location (see Column C below)

- | | |
|---|--|
| 1. Class Actions must be filed in the County Courthouse, Central District. | 6. Location of property or permanently garaged vehicle. |
| 2. May be filed in Central (Other county, or no Bodily Injury/Property Damage). | 7. Location where petitioner resides. |
| 3. Location where cause of action arose. | 8. Location wherein defendant/respondent functions wholly. |
| 4. Location where bodily injury, death or damage occurred. | 9. Location where one or more of the parties reside. |
| 5. Location where performance required or defendant resides. | 10. Location of Labor Commissioner Office. |

Step 4: Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto Tort	Auto (22)	<input type="checkbox"/> *A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
	Uninsured Motorist (46)	<input type="checkbox"/> *A7110 Personal Injury/Property Damage/Wrongful Death - Uninsured Motorist	1., 2., 4.
Other Personal Injury/Property Damage/Wrongful Death Tort	Asbestos (04)	<input type="checkbox"/> *A8070 Asbestos Property Damage <input type="checkbox"/> *A7221 Asbestos - Personal Injury/Wrongful Death	2. 2.
	Product Liability (24)	<input type="checkbox"/> *A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
	Medical Malpractice (45)	<input type="checkbox"/> *A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> *A7240 Other Professional Health Care Malpractice	1., 2., 4. 1., 2., 4.
	Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> *A7250 Premises Liability (e.g., slip and fall) <input type="checkbox"/> *A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.) <input type="checkbox"/> *A7270 Intentional Infliction of Emotional Distress <input type="checkbox"/> *A7220 Other Personal Injury/Property Damage/Wrongful Death	1., 2., 4. 1., 2., 4. 1., 2., 3. 1., 2., 4.
	Business Tort (07)	<input type="checkbox"/> *A6028 Other Commercial/Business Tort (not fraud/breach of contract)	1., 2., 3.
Non-Personal Injury/Property Damage/Wrongful Death Tort	Civil Rights (08)	<input checked="" type="checkbox"/> *A6005 Civil Rights/Discrimination	1., 2., 3.
	Defamation (13)	<input type="checkbox"/> *A6010 Defamation (slander/libel)	1., 2., 3.
	Fraud (16)	<input type="checkbox"/> *A6013 Fraud (no contract)	1., 2., 3.
	Intellectual Property (19)	<input type="checkbox"/> *A6016 Intellectual Property	2., 3.

SHORT TITLE: KOLLAR v. PACIFIC REALTY INVESTMENT, et al.		CASE NUMBER		
Non-Personal Injury/Property Damage/ Wrongful Death Tort (Cont'd.)	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons -See Step 3 Above	
	Professional Negligence (25)	<ul style="list-style-type: none"> *A6017 Legal Malpractice *A6050 Other Professional Malpractice (not medical or legal) 	1., 2., 3. 1., 2., 3.	
	Other (35)	<ul style="list-style-type: none"> *A6025 Other Non-Personal Injury/Property Damage tort 	2., 3.	
	Wrongful Termination (36)	<ul style="list-style-type: none"> *A6037 Wrongful Termination 	1., 2., 3.	
	Other Employment (15)	<ul style="list-style-type: none"> *A6024 Other Employment Complaint Case *A6109 Labor Commissioner Appeals 	1., 2., 3. 10.	
	Contract	Breach of Contract/Warranty (06) (not insurance)	<ul style="list-style-type: none"> *A6004 Breach of Rental/Lease Contract (not Unlawful Detainer or wrongful eviction) *A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) *A6019 Negligent Breach of Contract/Warranty (no fraud) *A6028 Other Breach of Contract/Warranty (not fraud or negligence) 	2., 5. 2., 5. 1., 2., 5. 1., 2., 5.
		Collections (09)	<ul style="list-style-type: none"> *A6002 Collections Case-Seller Plaintiff *A6012 Other Promissory Note/Collections Case 	2., 5., 6. 2., 5.
		Insurance Coverage (18)	<ul style="list-style-type: none"> *A6016 Insurance Coverage (not complex) 	1., 2., 5., 8.
		Other Contract (37)	<ul style="list-style-type: none"> *A6009 Contractual Fraud *A6031 Tortious Interference *A6027 Other Contract Dispute(not breach/insurance/fraud/negligence) 	1., 2., 3., 5. 1., 2., 3., 5. 1., 2., 3., 8.
		Real Property	Eminent Domain/Inverse Condemnation (14)	<ul style="list-style-type: none"> *A7300 Eminent Domain/Condemnation Number of parcels _____
Wrongful Eviction (33)	<ul style="list-style-type: none"> *A6023 Wrongful Eviction Case 		2., 6.	
Other Real Property (26)	<ul style="list-style-type: none"> *A6018 Mortgage Foreclosure *A6032 Quiet Title *A6060 Other Real Property(not eminent domain, landlord/tenant, foreclosure) 		2., 6. 2., 6. 2., 6.	
	Judicial Review Unlawful Detainer		Unlawful Detainer-Commercial (31)	<ul style="list-style-type: none"> *A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)
		Unlawful Detainer-Residential (32)	<ul style="list-style-type: none"> *A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction) 	2., 6.
Unlawful Detainer-Drugs (38)		<ul style="list-style-type: none"> *A6022 Unlawful Detainer-Drugs 	2., 6.	
Asset Forfeiture (05)		<ul style="list-style-type: none"> *A6108 Asset Forfeiture Case 	2., 6.	
Petition re Arbitration (11)		<ul style="list-style-type: none"> *A6115 Petition to Compel/Confirm/Vacate Arbitration 	2., 5.	

SHORT TITLE: KOLLAR v. PACIFIC REALTY INVESTMENT, et al.	CASE NUMBER
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	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Judicial Review (Cont'd.)	Writ of Mandate (02)	<ul style="list-style-type: none"> *A6151 Writ - Administrative Mandamus *A6152 Writ - Mandamus on Limited Court Case Matter *A6153 Writ - Other Limited Court Case Review 	2., 8. 2. 2.
	Other Judicial Review (39)	<ul style="list-style-type: none"> *A6150 Other Writ /Judicial Review 	2., 8.
Provisionally Complex Litigation	Antitrust/Trade Regulation (03)	<ul style="list-style-type: none"> *A6003 Antitrust/Trade Regulation 	1., 2., 8.
	Construction Defect (10)	<ul style="list-style-type: none"> *A6007 Construction defect 	1., 2., 3.
	Claims Involving Mass Tort (40)	<ul style="list-style-type: none"> *A6006 Claims Involving Mass Tort 	1., 2., 8.
	Securities Litigation (28)	<ul style="list-style-type: none"> *A6035 Securities Litigation Case 	1., 2., 8.
	Toxic Tort Environmental (30)	<ul style="list-style-type: none"> *A6036 Toxic Tort/Environmental 	1., 2., 3., 8.
	Insurance Coverage Claims from Complex Case (41)	<ul style="list-style-type: none"> *A6014 Insurance Coverage/Subrogation (complex case only) 	1., 2., 5., 8.
	Enforcement of Judgment (20)	<ul style="list-style-type: none"> *A6141 Sister State Judgment *A6160 Abstract of Judgment *A6107 Confession of Judgment (non-domestic relations) *A6140 Administrative Agency Award (not unpaid taxes) *A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax *A6112 Other Enforcement of Judgment Case 	2., 9. 2., 6. 2., 9. 2., 8. 2., 8. 2., 8., 9.
Miscellaneous Civil Complaints	RICO (27)	<ul style="list-style-type: none"> *A6033 Racketeering (RICO) Case 	1., 2., 8.
	Other Complaints (Not Specified Above) (42)	<ul style="list-style-type: none"> *A6030 Declaratory Relief Only *A6040 Injunctive Relief Only (not domestic/harassment) *A6011 Other Commercial Complaint Case (non-tort/non-complex) *A6000 Other Civil Complaint (non-tort/non-complex) 	1., 2., 8. 2., 8. 1., 2., 8. 1., 2., 8.
Miscellaneous Civil Petitions	Partnership Corporation Governance(21)	<ul style="list-style-type: none"> *A6113 Partnership and Corporate Governance Case 	2., 8.
	Other Petitions (Not Specified Above) (43)	<ul style="list-style-type: none"> *A6121 Civil Harassment *A6123 Workplace Harassment *A6124 Elder/Dependent Adult Abuse Case *A6190 Election Contest *A6110 Petition for Change of Name *A6170 Petition for Relief from Late Claim Law *A6100 Other Civil Petition 	2., 3., 9. 2., 3., 9. 2., 3., 9. 2. 2., 7. 2., 3., 4., 8. 2., 9.


SHORT TITLE: KOLLAR v. PACIFIC REALTY INVESTMENT, et al.	CASE NUMBER
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Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

REASON: CHECK THE NUMBER UNDER COLUMN C WHICH APPLIES IN THIS CASE • 1. • 2. • 3. • 4. • 5. • 6. • 7. • 8. <input checked="" type="checkbox"/> 9. • 10.		ADDRESS: 4320 Redondo Beach Blvd.	
CITY: Torrance	STATE: CA	ZIP CODE: 90504	

Item IV. Declaration of Assignment: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Torrance courthouse in the Southwest District of the Los Angeles Superior Court (Code Civ. Proc., § 392 et seq., and LASC Local Rule 2.0, subds. (b), (c) and (d)).

Dated: 03/26/08


(SIGNATURE OF ATTORNEY/FILING PARTY)

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet form JC 982.2(b)(1).
4. Complete Addendum to Civil Case Cover Sheet form CIV 109 _____ (eff. Date).
5. Payment in full of the filing fee, unless fees have been waived.
6. Signed order appointing the Guardian ad Litem, JC form 982(a)(27), if the plaintiff or petitioner is a minor under 18 years of age, or if required by Court.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

CONFORMED COPY
OF ORIGINAL FILED
Los Angeles Superior Court

JUL 01 2008

John A. Clarke, Executive Officer/Clerk

By T. Rhodes, Deputy

1 CENTER FOR DISABILITY ACCESS, LLP
2 MARK D. POTTER, ESQ., SBN 166317
3 RUSSELL C. HANDY, ESQ., SBN 195058
4 100 East San Marcos Blvd., Suite 400
San Marcos, CA 92069-2988
(760) 480-4162
Fax (760) 480-4170

5 Attorney for Plaintiff, ADRIAN KOLLAR

CASE ASSIGNED FOR
ALL PURPOSES TO
Judge ANDREW C. KAUFFMAN
Dept. 3 Div.

8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 IN AND FOR THE COUNTY OF LOS ANGELES

11 ADRIAN KOLLAR,

12 Plaintiff,

13 v.

14 PACIFIC REALTY INVESTMENT
15 COMPANY LLC, A California Limited
16 Liability Company; GARFIELD BEACH
CVS, L.L.C., A California Limited
17 Liability Company, and DOES 1 through
100, inclusive,

18 Defendants.

Case No.:

YC057652

**COMPLAINT FOR DAMAGES AND
INJUNCTIVE RELIEF FOR
VIOLATIONS OF: AMERICAN'S
WITH DISABILITIES ACT; UNRUH
CIVIL RIGHTS ACT; CALIFORNIA
DISABLED PERSONS ACT;
NEGLIGENCE**

DEMAND FOR JURY

19 Plaintiff ADRIAN KOLLAR complains of Defendants PACIFIC REALTY
20 INVESTMENT COMPANY LLC, A California Limited Liability Company;
21 GARFIELD BEACH CVS, L.L.C., A California Limited Liability Company, and
22 DOES 1 through 100, inclusive, (hereinafter referred to as "Defendants") and alleges as
23 follows:

24 **PARTIES:**

25 1. Plaintiff is a California resident with physical disabilities. He is a C-4-C-5
26 quadriplegic, who cannot walk, and uses a wheelchair for mobility. He also requires a
27 service animal for alerts and hearing.
28

1 2. Defendants are or were at the time of the incident the owners and operators
2 and/or lessors and lessees of the Retail Pharmacy Store located at 4320 Redondo Beach
3 Blvd., Torrance, California.

4 3. Plaintiff does not know the true names of Defendants, their business
5 capacities, their ownership connection to the property and business, or their relative
6 responsibilities in causing the access violations herein complained of, and alleges a
7 joint venture and common enterprise by all such Defendants. Plaintiff is informed and
8 believes that each of the Defendants herein, including DOES 1 through 100, inclusive,
9 is responsible in some capacity for the events herein alleged, or is a necessary party for
10 obtaining appropriate relief. Plaintiff will seek leave to amend when the true names,
11 capacities, connections, and responsibilities of the Defendants and DOES 1 through
12 100, inclusive, are ascertained

13 **FACTUAL ALLEGATIONS:**

14 4. The Plaintiff went to the Retail Pharmacy Store with family members on
15 March 19, 2008, to purchase cold medicines and school supplies.

16 5. The Retail Pharmacy Store is a facility open to the public, a place of public
17 accommodation, and a business establishment.

18 6. Unfortunately, the Retail Pharmacy Store presented barriers to persons in
19 wheelchairs, violations of the Americans with Disabilities Act Accessibility Guidelines
20 ("ADAAG") and Title 24 of the California Code of Regulations, including, but not
21 limited to, there was a lack of properly marked and configured designated van
22 accessible parking, there was a lack of accessible counters in the Retail Pharmacy
23 Store, and there was a lack of an accessible bathroom.

24 7. Naturally, Plaintiff KOLLAR was frustrated, angry and/or vexed as a result of
25 encountering unlawful conditions, violations of his civil rights, and the lack of safe,
26 convenient and accessible facilities. Although these injuries are modest in scope and
27 did not result in any loss of wages or economic damage or medical care or attention, the
28 continued violation of the plaintiff's civil rights by these defendants and the highly

1 unpleasant emotional distress caused by such unlawful treatment is attributable to the
 2 actions or inactions of the defendants and plaintiff seeks redress from these defendants
 3 for such injury.

4 **8.** Plaintiff would like to return and patronize the Defendants' Retail Pharmacy
 5 Store but because of plaintiff's knowledge of the existence of the inaccessible
 6 conditions and policies, the plaintiff is unable to use the Retail Pharmacy Store on a
 7 "full and equal" basis until the Retail Pharmacy Store is brought into compliance with
 8 the provisions of the Americans with Disabilities Act Accessibility Guidelines and state
 9 accessibility law as pled herein. Plaintiff has been and currently is being deterred from
 10 returning and patronizing the Defendants' Retail Pharmacy Store.

11 **I. FIRST CAUSE OF ACTION: VIOLATION OF THE AMERICANS WITH**
 12 **DISABILITIES ACT OF 1990 (On behalf of Plaintiff and Against All Defendants (42**
U.S.C. section 12101, et seq.)

13 **9.** The defendants are persons who either own, operate, lease or lease to a place
 14 of public accommodation. As such, the Defendants are required to (1) ensure that all
 15 construction, alteration, or modification is barrier free and complies with the Americans
 16 with Disabilities Act Accessibility Guidelines ("ADAAG") and Title 24 of the
 17 California Code of Regulations (aka "California Building Code"); and/or (2) remove all
 18 existing barriers where such removal is "readily achievable." The Defendants have
 19 failed to meet these obligations. The existence of readily achievable removed barriers
 20 and barriers in violation of the ADAAG and/or California Building Code, including,
 21 but not limited to, there was a lack of properly marked and configured designated van
 22 accessible parking, there was a lack of accessible counters in the Retail Pharmacy
 23 Store, and there was a lack of an accessible bathroom, is unlawful and has resulted in
 24 the defendants' failure to provide full and equal accommodations, advantages,
 25 facilities, privileges and/or services to the plaintiff.

26 **II. SECOND CAUSE OF ACTION: VIOLATION OF THE UNRUH CIVIL**
 27 **RIGHTS ACT (On behalf of Plaintiff and Against All Defendants) (Cal Civ § 51-53)**

28 **10.** The defendants are persons who either own, operate, lease or lease to a place

1 of public accommodation or business establishment. As such, the Defendants are
 2 required to (1) ensure that all construction, alteration, or modification is barrier free and
 3 complies with the Americans with Disabilities Act Accessibility Guidelines
 4 ("ADAAG") and Title 24 of the California Code of Regulations (aka "California
 5 Building Code"); and (2) remove all existing barriers where such removal is "readily
 6 achievable." The Defendants have failed to meet these obligations. The Defendants
 7 intended the physical and architectural condition of their property. The existence of
 8 readily achievable removed barriers and barriers in violation of the ADAAG and/or
 9 California Building Code, including, but not limited to, there was a lack of properly
 10 marked and configured designated van accessible parking, there was a lack of
 11 accessible counters in the Retail Pharmacy Store, and there was a lack of an accessible
 12 bathroom, , is unlawful and has resulted in the defendants' failure to provide full and
 13 equal accommodations, advantages, facilities, privileges and/or services to the plaintiff.

14 11. The acts alleged above, which form the basis of the plaintiff's discrimination
 15 claim, are intentional acts.

16 **III. THIRD CAUSE OF ACTION: VIOLATION OF THE CALIFORNIA**
 17 **DISABLED PERSONS ACT (On behalf of Plaintiff and Against All**
Defendants) (Cal Civ § 54-54.8)

18 12. The defendants are persons who either own, operate, lease or lease to a place
 19 of public accommodation or a facility open to the public. As such, the Defendants are
 20 required to (1) ensure that all construction, alteration, or modification is barrier free and
 21 complies with the Americans with Disabilities Act Accessibility Guidelines
 22 ("ADAAG") and Title 24 of the California Code of Regulations (aka "California
 23 Building Code"); and (2) remove all existing barriers where such removal is "readily
 24 achievable." The Defendants have failed to meet these obligations. The existence of
 25 readily achievable removed barriers and barriers in violation of the ADAAG and/or
 26 California Building Code, including, but not limited to, there was a lack of properly
 27 marked and configured designated van accessible parking, there was a lack of
 28 accessible counters in the Retail Pharmacy Store, and there was a lack of an accessible

1 bathroom is unlawful and has resulted in the defendants' failure to provide full and
2 equal accommodations, advantages, facilities, privileges and/or services to the plaintiff.

3 **IV. FOURTH CAUSE OF ACTION: NEGLIGENCE (On behalf of Plaintiff and**
4 **Against All Defendants)**

5 13. The defendants had a general duty and a duty arising under the Americans
6 with Disabilities Act and the Unruh Civil Rights Act and California Disabled Persons
7 Act to provide safe, convenient, and accessible facilities to the plaintiff in the running
8 of their Retail Pharmacy Store. Their breach of this duty, as alleged in the preceding
9 paragraphs, has caused injury and damage as alleged above.

10 **PRAYER:**

11 Wherefore, Plaintiff prays that this court award damages and provide relief as
12 follows:

13 1. For injunctive relief, compelling Defendants to comply with the Americans
14 with Disabilities Act and the Unruh Civil Rights Act. **Note:** the plaintiff is not
15 invoking section 55 of the California Civil Code and is not seeking injunctive relief
16 under that section.

17 2. Damages under the Unruh Civil Rights Act and/or the California Disabled
18 Persons Act. **Note:** A defendant cannot be held liable for damages under both the
19 Unruh Civil Rights Act and the California Disabled Persons Act and the plaintiff will
20 make an election at trial depending upon the evidence amassed.

21 3. Reasonable attorneys' fees, litigation expenses and costs of suit, pursuant to
22 42 U.S.C. § 12205; Cal. Civ. Code §§ 52 and 54.3 and Cal. Civ. Proc. § 1021.5.

23 Dated: June 24, 2008 CENTER FOR DISABILITY ACCESS, LLP

24 By: 
25 MARK D. POTTER
26 Attorneys for Plaintiff
27
28

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury for all claims for which a jury is permitted.

Dated: June 24, 2008

CENTER FOR DISABILITY ACCESS, LLP

By: MARK D. POTTER
Attorneys for Plaintiff

**LOS ANGELES SUPERIOR COURT
CIVIL ALTERNATIVE DISPUTE RESOLUTION (ADR) PROGRAMS
[CRC 201.9(c) Information about Alternative Dispute Resolution]**

The plaintiff shall serve a copy of the ADR Information package on each defendant along with the complaint.

ADR PROGRAMS

"Alternative Dispute Resolution (ADR)" is the term used to describe all the other options available for settling a dispute which once had to be settled in court. ADR processes such as arbitration, mediation, early neutral evaluation (ENE), and settlement conferences, are less formal than court and provide opportunities for litigants to reach an agreement using a problem-solving approach rather than the more adversarial approach of litigation.

MEDIATION A neutral third party called a "mediator" helps participants in the dispute create their own resolution. The mediator helps facilitate a discussion in which the parties reach a mutually agreed upon settlement. Therefore, mediation allows for more creative resolutions to disputes than other ADR processes.

The Court Mediation Program is governed by Code of Civil Procedure sections 1775-1775.15, California Rules of Court, Rules 1620-1622 and 1630-1639, Evidence Code sections 1115-1128, and Los Angeles Superior Court Rules, Chapter 12.

ARBITRATION A neutral third party called an "arbitrator" listens to each side in the dispute present its case. The arbitrator, who is an attorney, issues a decision based on the evidence. Although evidence is presented, arbitration is a less formal process than litigation. The decision is non-binding unless the parties agree in writing to binding arbitration.

The Court Arbitration Program is governed by Code of Civil Procedure sections 1141.10-1141.31, California Rules of Court, Rules 1600-1618, and Los Angeles Superior Court Rules, Chapter 12.

ENE A neutral third party called an "evaluator" will provide the parties and their counsel, on a voluntary basis and in a confidential session, the opportunity to make summary presentations of their claims and defenses, including key evidence. After hearing the presentations, the evaluator, who is an experienced lawyer with subject-matter expertise, offers a non-binding evaluation.

The evaluator will also help clarify, narrow or eliminate issues, identify areas of agreement, offer case-planning suggestions, and, if requested by parties, settlement assistance. Although settlement is not the primary goal of ENE, the ENE process can reduce litigation time and costs and promote settlement.

The Court ENE Program is governed by Los Angeles Superior Court Rules, Chapter 12.

SETTLEMENT CONFERENCE A neutral third party called a "settlement officer," who is also a retired judge, assists the parties in negotiating their own settlement and may evaluate the strengths and weaknesses of the case.

JURISDICTIONAL LIMITATIONS

MEDIATION, ARBITRATION & ENE Any case in which the amount in dispute is between \$25,000-\$50,000 per plaintiff, and was not previously referred to the Court ADR Program, can be sent to the Court ADR Program for mediation, arbitration, or ENE by stipulation, election by plaintiff or order of the court.

Parties may *voluntarily* request or initiate a mediation or arbitration proceeding, regardless of the amount in dispute.

SETTLEMENT CONFERENCE Any case, regardless of the amount in dispute, may be ordered to a settlement conference. There is no monetary limit.

REFERRAL INFORMATION

After the Court determines the suitability of a case for ADR, the Court directs the parties to the ADR Department to initiate the ADR process. Once the parties have completed the ADR intake forms, a Neutral may be selected.

**LOS ANGELES COUNTY
DISPUTE RESOLUTION PROGRAMS ACT (DRPA) CONTRACTORS**

The following organizations provide mediation services under contract with the Los Angeles County Department of Community & Senior Services. Services are provided to parties in any civil case filed in the Los Angeles County Superior Court. Services are not provided under this program to family, probate, traffic, criminal, appellate, mental health, unlawful detainer/eviction or juvenile court cases.

Asian-Pacific American Dispute Resolution Center
(213) 250-8190
(Spanish & Asian languages capability)

California Academy of Mediation Professionals
(818) 377-7250

Center for Conflict Resolution
(818) 380-1840

Inland Valleys Justice Center
(909) 397-5780
(Spanish language capability)

Office of the Los Angeles City Attorney Dispute Resolution Program
(213) 485-8324
(Spanish language capability)

Los Angeles County Bar Association Dispute Resolution Services
toll free number 1-877-4Resolve (737-6583) or (213) 896-6533
(Spanish language capability)

Los Angeles County Department of Consumer Affairs
(213) 974-0825
(Spanish language capability)

The Loyola Law School Center for Conflict Resolution
(213) 736-1145
(Spanish language capability)

Martin Luther King Legacy Association Dispute Resolution Center
(323) 290-4132
(Spanish language capability)

City of Norwalk
(562) 929-5603

DRPA Contractors do not provide legal advice or assistance, including help with responding to summonses. Accessing these services does not negate any responsibility you have to respond to a summons or appear at any set court date. See the reverse side of this sheet for information on the mediation process and obtaining legal advice.

THIS IS A TWO-SIDED DOCUMENT.

NAME, ADDRESS, AND TELEPHONE NUMBER OF ATTORNEY OR PARTY WITHOUT ATTORNEY:		STATE BAR NUMBER	Reserved for Clerk's File Stamp
ATTORNEY FOR (Name):			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES			
COURTHOUSE ADDRESS:			
PLAINTIFF:			
DEFENDANT:			
STIPULATION TO PARTICIPATE IN ALTERNATIVE DISPUTE RESOLUTION (ADR)			CASE NUMBER:

The undersigned parties stipulate to participate in an Alternative Dispute Resolution (ADR) process in the above-entitled action, as follows:

- ☐ Mediation
☐ Non-Binding Arbitration
☐ Binding Arbitration
☐ Early Neutral Evaluation
☐ Settlement Conference
☐ Other ADR Process (describe): _____

Dated: _____

 Name of Stipulating Party
☐ Plaintiff ☐ Defendant ☐ Cross-defendant

 Name of Party or Attorney Executing Stipulation

 Signature of Party or Attorney

 Name of Stipulating Party
☐ Plaintiff ☐ Defendant ☐ Cross-defendant

 Name of Party or Attorney Executing Stipulation

 Signature of Party or Attorney

 Name of Stipulating Party
☐ Plaintiff ☐ Defendant ☐ Cross-defendant

 Name of Party or Attorney Executing Stipulation

 Signature of Party or Attorney

 Name of Stipulating Party
☐ Plaintiff ☐ Defendant ☐ Cross-defendant

 Name of Party or Attorney Executing Stipulation

 Signature of Party or Attorney

☐ Additional signature(s) on reverse

SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES		CONFORMED COPY OF ORIGINAL FILED Los Angeles Superior Court JUL 01 2008 John A. Clarke, Executive Officer/Clerk By T. Rhodes, Deputy CASE NUMBER: YC057652
COURTHOUSE ADDRESS: <u>Jamaine</u>		
PLAINTIFF: <u>Katkar</u>		
DEFENDANT: <u>Paula Kelly</u>		
NOTICE OF CASE MANAGEMENT CONFERENCE		

TO THE PLAINTIFF(S)/ATTORNEY(S) FOR PLAINTIFF(S) OF RECORD:

You are ordered to serve this notice of hearing on all parties/attorneys of record forthwith, and meet and confer with all parties/attorneys of record about the matters to be discussed no later than 30 days before the Case Management Conference.

Your Case Management Conference has been scheduled at the courthouse address shown above on:

Date: <u>12-8-08</u>	Time: <u>8:30</u>	Dept: <u>B</u>
----------------------	-------------------	----------------

NOTICE TO DEFENDANT: THE SETTING OF THE CASE MANAGEMENT CONFERENCE DOES NOT EXEMPT THE DEFENDANT FROM FILING A RESPONSIVE PLEADING AS REQUIRED BY LAW.

Pursuant to California Rules of Court, rules 3.720-3.730, a completed Case Management Statement (Judicial Council form # CM-110) must be filed at least 15 calendar days prior to the Case Management Conference. The Case Management Statement may be filed jointly by all parties/attorneys of record or individually by each party/attorney of record. You must be familiar with the case and be fully prepared to participate effectively in the Case Management Conference.

At the Case Management Conference, the Court may make pretrial orders including the following, but not limited to, an order establishing a discovery schedule; an order referring the case to Alternative Dispute Resolution (ADR); an order reclassifying the case; an order setting subsequent conference and the trial date; or other orders to achieve the goals of the Trial Court Delay Reduction Act (Gov. Code, § 68600 et seq.)

Notice is hereby given that if you do not file the Case Management Statement or appear and effectively participate at the Case Management Conference, the Court may impose sanctions, pursuant to LASC Local Rule 7.13, Code of Civil Procedure sections 177.5, 575.2, 583.150, 583.360 and 583.410, Government Code section 68608, subdivision (b), and California Rules of Court, rule 2.2 et seq.

ANDREW C. KAUFFMAN

Dated: 7-1-08

Judicial Officer

CERTIFICATE OF SERVICE

I, the below named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the Notice of Case Management Conference upon each party or counsel named below:

- ☒ by depositing in the United States mail at the courthouse in Jamaine, California, one copy of the original filed herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid.
- ☐ by personally giving the party notice upon filing of the complaint.

Mark D. Potter
100 E. San Marcos Bl., #400
San Marcos, CA 92069

JOHN A. CLARKE, Executive/Officer Clerk

T. RHODES

Dated: 7-1-08By [Signature]
Deputy Clerk

NOTICE SENT TO:

POTTER, MARK D.
100 EAST SAN MARCOS BLVD.
SUITE 400
SAN MARCOS CA 92069

CONFORMED COPY
OF ORIGINAL
Los Angeles Superior Court

JUL 03 2008

John A. Clarke, Executive Officer/Clerk

By H. Garcia, Deputy

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

ADRIAN KOLLAR

Plaintiff(s),

VS.

PACIFIC REALTY INVESTMENT COMPANY LLC,
Defendant(s).

CASE NUMBER

YC057652

ORDER TO SHOW CAUSE HEARING

To the party/attorney of record: MARK D. POTTER

You are ordered to appear for an Order to Show Cause hearing on September 10, 2008 at 8:30 am in Dept. SW B of this court, Southwest District, 825 Maple Avenue, Torrance, California 90503, and show cause why sanctions should not be imposed for:

Failure to file:

Proof of Service of Petition/Summons and Complaint/Cross-Complaint pursuant to California Rules of Court, rule 3.110(b) and (c) as to:

FAILURE TO SERVE: PACIFIC REALTY INVESTMENT COMPANY
LLC; GARFIELD BEACH CVS. LLC.

Failure to comply or appear may result in sanctions, including dismissal of this action, or striking of the pleading pursuant to one or more of the following: California Rules of Court, rule 2.30, and rule 3.1340; Code of Civil Procedure sections 177.5, 575.2, 583.150, 583.310, 583.360, 583.410, 583.420, 583.430; and Government Code section 68608.

To avoid a mandatory appearance, all required documents must be filed in [This Department] 12 Clerk's Office, Room 100 at least 5 days prior to the date of the hearing.

You are ordered to give notice of said hearing forthwith to any party served with the summons and complaint prior to OSC Hearing and file a Proof of Service in this department or Clerk's Office within 5 days of receipt of this order.

ANDREW C. KAUFFMAN

Dated: July 3, 2008

Judicial Officer

CERTIFICATE OF MAILING

I, the below named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the Order to Show Cause Hearing upon each party or counsel named above by depositing in the United States mail at the courthouse in Torrance, California, one copy of the original filed/entered herein in a separate sealed envelope to each address as shown above with the postage thereon fully prepaid.

Date: July 3, 2008

John A. Clarke, EXECUTIVE OFFICER/CLERK

By

H. GARCIA

Deputy Clerk

ORDER TO SHOW CAUSE HEARING

LACIV 166-1 (Rev. 01/07)
LASC Approved 06-04

LASC Local Rules, Chapter 7
Cal. Rules of Court, rule 2.30

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Stephen V. Wilson and the assigned discovery Magistrate Judge is Jacqueline Chooljian.

The case number on all documents filed with the Court should read as follows:

CV08- 5343 SVW (JCx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

===== :
NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) Adrian Kollar	DEFENDANTS Pacific Realty Investment Co., LLC Garfield Beach CVS, LLC Does 1 through 100, inclusive
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Mark D. Potter/Russell C. Handy Center for Disability Access, LLP 100 E. San Marcos Blvd., #400, San Marcos, CA 92069	Attorneys (If Known) Henry A. Platt Saul Ewing, LLP 2600 Virginia Ave, N.W., Suite 1000, Washington, D.C. 20037 Attorney for Garfield Beach CVS, LLC

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%;"> <tr> <th style="text-align: left;">PTF</th> <th style="text-align: left;">DEF</th> <th style="text-align: left;">PTF</th> <th style="text-align: left;">DEF</th> </tr> <tr> <td>Citizen of This State</td> <td><input type="checkbox"/> 1 <input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td><input type="checkbox"/> 4 <input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2 <input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td><input type="checkbox"/> 5 <input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3 <input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6 <input type="checkbox"/> 6</td> </tr> </table>	PTF	DEF	PTF	DEF	Citizen of This State	<input type="checkbox"/> 1 <input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4 <input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2 <input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5 <input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 <input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6
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Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 <input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6														

IV. ORIGIN (Place an X in one box only.) <input type="checkbox"/> 1 Original Proceeding <input checked="" type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court <input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from another district (specify): <input type="checkbox"/> 6 Multi-District Litigation <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge
--

V. REQUESTED IN COMPLAINT: JURY DEMAND: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Check 'Yes' only if demanded in complaint.)	CLASS ACTION under F.R.C.P. 23: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
MONEY DEMANDED IN COMPLAINT: \$ In Excess of \$25,000	

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.) Americans with Disabilities Act of 1990 ("ADA"), 42 U.S.C. § 12102, et seq. Failure to comply with requirements of this federal statute.

VII. NATURE OF SUIT (Place an X in one box only.)					
OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage-Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input checked="" type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 Habeas Corpus <input type="checkbox"/> 535 General Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE/PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

FOR OFFICE USE ONLY: Case Number:

CV08-05343

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes
 If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes
 If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

- (a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.
☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Not provided in Plaintiff's initial pleadings.	

- (b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.
☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Garfield Beach CVS, LLC is located in Los Angeles.	

- (c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.
Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles County	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties
 Note: In land condemnation cases, use the location of the tract of land involved.

X. SIGNATURE OF ATTORNEY (OR PRO PER):

Date

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HLA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))